THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.13812 of 1996

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Orders of the 1st respondent in Proceedings L.Dis.No.5975/96/A5, dated 3-7-1996 as arbitrary, illegal and without jurisdiction.

According to the petitioner, she is a landless poor person and eligible for assignment of Government poramboke land. Her father-in-law, namely, Vadde Nagappa was in possession and enjoyment of Ac.4.91 of land in Sy.No.91-4 of Gugudu village. Considering the eligibility and after conducting due enquiry, the then Tahsildar granted 'D' Form Patta in favour of her father-in-law in the year 1955 and he was in possession and enjoyment of the said lands till his death. Thereafter, the three sons of the original assignee, namely, Vadde Ramanna, Peddanna and Subbarayudu were in possession and enjoyment of the above lands. Petitioner is the wife of the said Subbarayudu, who died leaving behind, the petitioner, two sons and one daughter. She is in possession and enjoyment of the above lands since the death of her husband. Further, the Mandal Revenue Officer seems to have conducted an enquiry under the Record of Rights Act and issued pattadar pass book and title deed in Patta No.541 to her. While that being so, it appears, the 4th respondent filed a representation before the 3rd respondent-Mandal Revenue Officer requesting him to effect transfer of his name in the

records in respect of the said land stating that the land was sold by the three sons of the original assignee to Kovuru Nagamma on 23-12-1981 vide document No.666 and the said Nagamma sold the same to the father of the 4th respondent, namely, Kovuru Chinna Mallamma under an agreement of sale dated 5-2-1994. Respondent No.3 by his Order dated 20-10-1995 confirmed the title of the 4th respondent. The Order of the 3rd respondent speaks that the petitioner also filed a petition before him on 20-7-1995. According to the petitioner, the same is not correct and no notice was issued to her by the 3rd respondent before passing the Order dated 20-10-1995. Aggrieved by the same, she filed an appeal before the 2nd respondent-Revenue Divisional Officer, who, after hearing both sides, passed Orders on 29-6-1996 admitting the appeal and staying the Orders of the Mandal Revenue Officer. Thereafter, she filed a caveat before the Joint Collector on 1-7-1996 expecting that the 4th respondent may file an appeal before the 1st respondent against the Orders of the Revenue Divisional Officer. Respondent No.1, without issuing any notice to her, in spite of caveat being filed, suspended the Order of the Revenue Divisional Officer by an Order dated 3-7-1996. Challenging the same, the present Writ Petition is filed.

There is no necessity of going into all the details. The main proceedings are pending before the 1st respondent-Collector. Therefore, this Court does not want to go into the merits of the case. Respondent No.1, under the

impugned Order dated 3-7-1996 suspended the Order passed by the 2nd respondent-Revenue Divisional Officer on 29-6-1996. According to the petitioner, no notice of any kind was issued to her before passing such an Order, though she filed a caveat.

Be that as it may, while admitting the Writ Petition on 18-7-1996, the impugned Order dated 3-7-1996 was suspended by this Court. Now, it is more than 10 years, no purpose would be served by vacating the said Order at this stage. In the facts and circumstances of the case, I deem it appropriate to direct the 1st respondent-Collector to dispose of the appeal purported to have been filed by the 4th respondent against the Orders passed by the 2nd respondent dated 29-6-1996, within a period of six months from the date of receipt of a copy of this order, after putting all the parties on notice. Till such time, the orders dated 29-6-1996 passed by the 2nd respondent-Revenue Divisional Officer shall not be given effect to.

With the above direction, the Writ Petition is disposed of. No order as to costs.

02-2-2007

prk